IN THE SUPREME COURT
OF THE UNITED STATES
OCTOBER TERM

ORIGINAL

Supreme Court, U.S.
FILED
JAN 30 1984
ALEXANDER L. STEVAS
CLERK

NUMBER: 83-5955

ERNEST KNIGHTON, JR.
Petitioner

VERSUS

STATE OF LOUISIANA
Respondent

ANSWER ON BEHALF OF THE STATE OF LOUISIANA TO WRIT FOR CERTIORARI

Respectfully submitted,

HENRY N. BROWN, JR.
DISTRICT ATTORNEY
26TH JUDICIAL DISTRICT OF
LOUISIANA
P.O. BOX 69
BENTON, LA 71006

ANSWER TO WRIT OF CERTIORARI

NOW INTO COURT comes the State of Louisiana, through the undersigned District Attorney, who respectfully answers the Application for a Writ of Certiorari as follows:

STATEMENT OF THE CASE

The crime occurred on March 17, 1981. Ernest Knighton, Jr. and Anthony White were indicted by a Bossier Parish Grand Jury on April 15, 1981, for First Degree Murder. A severance of the two defendants was granted and the trial of Ernest Knighton, Jr. started June 24, 1981, and concluded June 26, 1981, with a verdict of Guilty and the recommendation by the jury of the death penalty. On October 14, 1981, Ernest Knighton, Jr. was officially sentenced to die.

The victim of the crime was an elderly gentleman named Ralph Shell, who was managing a Fina service station and convenience store in Bossier City, Louisiana. Ernest Knighton, Jr., armed with a 44 Bulldog hand gun, entered the convenient store with Anthony White. The victim was robbed and then taken into the back room by Ernest Knighton, Jr. where he was shot and killed. As Ernest Knighton, Jr. was leaving, he told Anthony White to grab the wife of the victim and take her with them. As they attempted to leave, the wife broke from the grasp of Anthony White, slammed and locked the door.

Following an intense police investigation, Ernest Knighton, Jr. and Anthony White were arrested in connection with this crime. As stated herein, Ernest Knighton, Jr. was tried, found guilty and sentenced to die. Anthony White plead guilty to the crime of Second Degree Murder and was sentenced to life imprisonment.

ANSWER TO QUESTIONS PRESENTED FOR REVIEW

1.

This Court has recently decided the case of Harris vs. California, Citation unknown, which disposed of the problem of the review of allegedly disproportionate sentences. In this particular instance, the sentence of Ernest Knighton, Jr. was not disproportionate to any sentences in Bossier Parish, Louisiana. However, the recent case decided by this Court should dispose of this issue.

The case of Zant v. Stevens, 456 U.S. 410, decided by this Honorable Court should dispose of the issue raised in question number 2. The issue raised concerned the alleged failure of the Louisiana Supreme Court to evaluate all of the aggravating circumstances found by the jury in returning the death penalty. In truth, the Louisiana Supreme Court thoroughly considered all of the aggravating circumstances and the evidence fully supported each aggravating circumstance found by the jury. However, the case of Zant v. Stevens found that a death sentence imposed by a Georgia Jury could be upheld even though one of the three aggravating circumstances found by the jury was later rejected by the State Supreme Court. It should be noted in this case that the State Supreme Court found evidence did support all of the aggravating circumstances found by the jury.

3.

The final question raised in this Writ of Application concerns whether or not this court would overrule Witherspoon v. Illinois, 391 U.S. 510, 88 S.Ct. 1770. This issue has been raised before this court on numerous applications in recent death penalty cases and has been rejected by this Honorable Court.

WHEREFORE, respondent prays that the Application for Writs of Certiorari be denied.

Respectfully submitted,

HENRY N. BROWN, JR.
DISTRICT ATTORNEY

C E R T I F I C A T E

I hereby certify that a copy of the above and foregoing Answer to Writ of Certiorari has been mailed this date, through the United States Mail, proper postage affixed, to Mr. Julian Murray, Jr., 612 Gravier Street, New Orleans, LA 70130 and Mr. Joe Morris Doss, 612 Gravier Street, New Orleans, LA 70130, Attorneys for Ernest Knighton, Jr., Benton, Louisiana, this 27th day of January, 1984.

HENRY N. BROWN, JR.